

Will the broadcast flag interfere with consumers ability to make copies of DTV content for their personal use, either on personal video recorders or removable media?

This is the folly of creeping regulation. A little piece now, the rest later. Pirating of digital works is a problem, but we have mechanisms, including severe penalties, to combat piracy. We have already so limited the rights of fair use, that the right is disappearing. We seem to have forgotten that the constitutional purpose of copyright is not to enrich owners of the rights, but to promote science and the useful arts.

Would the digital flag interfere with consumers ability to send DTV content across networks, such as home digital networks connecting digital set top boxes, digital recorders, digital servers and digital display devices? Ultimately, most assuredly.

Would the broadcast flag requirement limit consumers ability to use their existing electronic equipment (equipment not built to look for the flag) or make it difficult to use older components with new equipment that is compliant with the broadcast flag standard?

For older, depends on how the flag is implemented.

Would a broadcast flag requirement limit the development of future equipment providing consumers with new options?

Unknown to me, but clearly dependent on the implementation.

What will be the cost impact, if any, that a broadcast flag requirement would have on consumer electronics equipment?

Unknown to me, but clearly dependent on the implementation.

Other Comments:

We should not abandon the primary constitutional purpose of copyright, to promote the benefits to society not to enrich content owners. We have imposed undue burden with the extension of copyright duration, and the draconian results of the DMCA anti circumvention provisions are only now beginning to become apparent. We have redefined fair use, so that a "spontaneity" requirement has crept in that appears no where in the law, case or statutory. If a use is fair use, no per copy fees are owed, yet recent court decisions have held that when a copy permission for fee system is in place, that lost fee revenue is a market value loss, and thus virtually no fair use is permitted. Add that to the DMCA provisions that prevent fair use being made of copy protected materials. We should reverse this trend, not continue down this path.